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HOUSE BILL 1107

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

DANIEL P. SILVA

AN ACT

RELATING TO MOTOR VEHICLES; CHANGING CERTAIN DISCLOSURE
REQUIREMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 57-12-6 NMSA 1978 (being Laws 1971,
Chapter 274, Section 1, as amended) is amended to read:

"57-12-6. MISREPRESENTATION OF MOTOR VEHICLES- -
PENALTY. - -

A. The willful misrepresentation of the age or
condition of a motor vehicle by any person, including
[regrooving tires or] performing chassis repair, without
informing the purchaser of the vehicle that the [regrooving or]
chassis repair has been performed, is an unlawful practice
within the meaning of the Unfair Practices Act, unless the
alleged misrepresentation is based wholly on repair of damage,

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1 the disclosure of which was not required pursuant to Subsection
2 C of this section. The failure to provide [~~an affidavit~~] a
3 statement signed by the seller pursuant to Subsection B of this
4 section when there has been repair for which disclosure is
5 required shall constitute prima facie evidence of willful
6 misrepresentation.

7 B. Except as provided in Subsections C and D of this
8 section, a seller of a motor vehicle shall furnish at the time
9 of sale of a motor vehicle [~~an affidavit~~] a statement that:

10 (1) describes the vehicle; and

11 (2) states to the best of the seller's
12 knowledge whether there has been an alteration or chassis repair
13 due to wreck damage.

14 C. No [~~affidavit~~] statement shall be required
15 pursuant to this section if the flat rate manual cost of the
16 alteration or chassis repair is less than six percent of the
17 sales price of the vehicle; except that the cost of the
18 alteration or chassis repair, tires, glass, plastic and rubber
19 parts replacements and cleanup of the vehicle shall be deducted
20 from the sales price before calculating the six percent.

21 D. In the case of a private-party sale of a vehicle,
22 [~~an affidavit~~] a statement shall be furnished only upon the
23 request of the purchasing party.

24 E. Notwithstanding the provisions of Subsection D of
25 Section 57-12-10 NMSA 1978, the award of three times actual

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1 damages as provided for in that section shall be in lieu of any
2 award of punitive damages based only on those facts constituting
3 the unfair or deceptive trade practice or unconscionable trade
4 practice.

5 F. Any person who violates this section is guilty of
6 a misdemeanor. "

State of New Mexico
House of Representatives

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4 FORTY-THIRD LEGISLATURE
5 FIRST SESSION, 1997
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9 March 1, 1997
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11 Mr. Speaker:
12

13 Your CONSUMER AND PUBLIC AFFAIRS COMMITTEE, to
14 whom has been referred

15
16 HOUSE BILL 1107

17 has had it under consideration and reports same with
18 recommendation that it DO PASS, amended as follows:
19

20 1. On page 2, line 3, strike "seller" and insert in lieu
21 thereof "dealer or the dealer's managerial employee".
22

23 2. On page 2, line 11, after "seller's" insert "actual".
24

25 3. On page 2, line 17, after "that" insert "for used
vehicles".

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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4. On page 2, line 18, strike "alteration or chassis repair," and insert in lieu thereof "replacement of".

5. On page 2, lines 19, strike "replacements".

6. On page 2, lines 19 and 20, strike "be deducted from the sales price before calculating" and insert in lieu thereof "not be included in".,

and thence referred to the JUDICIARY COMMITTEE.

Respectfully submitted,

Gary King, Chairman

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HCPAC/HB 1107

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The roll call vote was 7 For 0 Against

Yes: 7

Excused: Heaton, Rios, Vigil

Absent: None

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 15, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 1107, as amended

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. Strike House Consumer and Public Affairs Committee
Amendment 2.

2. On page 2, line 23, after the word "party" insert "and
states to the best of the seller's actual knowledge whether there
has been alteration or chassis repair due to wreck damage".

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HJC/HB 1107

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Respectfully submitted,

Thomas P. Foy, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Alwin, M P. Garcia, Luna, Rios, Sanchez

Absent: None

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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March 18, 1997

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10 Mr. President:

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12 Your CORPORATIONS & TRANSPORTATION COMMITTEE, to
13 whom has been referred

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HOUSE BILL 1107, as amended

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16 has had it under consideration and reports same with
17 recommendation that it DO PASS, and thence referred to the
18 JUDICIARY COMMITTEE.

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20 Respectfully submitted,

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Roman M. Maes, III, Chairman

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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3 Adopted _____ Not Adopted _____
4 (Chief Clerk) (Chief Clerk)

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Date _____

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9 The roll call vote was 7 For 0 Against

10 Yes: 7

11 No: 0

12 Excused: Fidel, Howes, Robinson

13 Absent: None

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 21, 1997

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 1107, as amended

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Fernando R. Macias, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

1 HJC/HB 1107

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Date _____

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The roll call vote was 7 For 0 Against

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Yes: 7

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No: 0

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Excused: McSorley

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Absent: None

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